

Message Text

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PAGE 01 CAIRO 14063 241556Z
ACTION NEA-10

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R 241416Z AUG 77
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 8664
INFO AMCONSUL ALEXANDRIA
AMEMBASSY AMMAN
AMEMBASSY DAMASCUS
AMEMBASSY JIDDA
AMEMBASSY KHARTOUM
AMEMBASSY KUWAIT
USMISSION SINAI
AMEMBASSY TRIPOLI

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E.O. 11652: N/A
TAGS: EG, LY, PINT
SUBJECT: TAKFIR TRIAL OPENS

REF: CAIRO 13456

1. SUPREME MILITARY COURT BEGAN TRIAL OF 54 TAKFIR MEMBERS AUGUST 23. INITIAL GROUP INCLUDES SOCIETY LEADER SHUKRI MUSTAFA AND EIGHT OTHERS DIRECTLY IMPLICATED IN KIDNAPPING AND MURDER OF FORMER WAQF MINISTER DHAHABI. PROSECUTOR HAS REQUESTED DEATH SENTENCES IN THEIR CASES. OTHERS ARE ACCUSED OF INVOLVEMENT IN BOMBINGS AND LESSER CRIMES. ALMOST ALL OF THOSE PLACED ON TRIAL ARE FORMER UNIVERSITY STUDENTS. THREE ARE MINORS. ALL PLEADED NOT GUILTY.

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PAGE 02 CAIRO 14063 241556Z

2. TRIAL WAS HELD UNDER STRICT SECURITY IN FORMER BRITISH CHAPEL LOCATED IN CAIRO MILITARY COMPOUND. ALTHOUGH TECHNICALLY OPEN, SMALL SIZE OF BUILDING AND TIGHT SECURITY ARRANGEMENTS PRECLUDED ALL BUT PRESS, MILITARY, MEMBERS OF DHAHABI FAMILY, AND SELECT MEMBERS OF PUBLIC FROM ATTENDING. CONTRARY TO EARLIER PRESS REPORTS, SHEIKH AL-AZHAR DID NOT GO TO OPENING.

3. EMBASSY CONTACTS WERE IMPRESSED BY EXTENT TO WHICH COURT ATTEMPTED TO DEMONSTRATE FAIRNESS AND IMPARTIALITY. FIFTY-ONE DEFENSE LAWYERS WERE APPOINTED; BAR ASSOCIATION FREEDOM'S COMMITTEE HEAD WAS IN ATTENDANCE AND ACCUSED'S ALLEGATIONS OF MISTREATMENT AND TORTURE WERE TAKEN SERIOUSLY, WITH COURT ORDERING THOROUGH MEDICAL EXAMINATION. (OUR CONTACTS DID NOT THINK GROUP--INCLUDING INDIVIDUAL WHO DRAMATICALLY BARED CHEST TO DEMONSTRATE MARKS OF BEATING--LOOKED SERIOUSLY MISTREATED.) ADDITIONALLY, COURT REFUSED TO ALLOW PROSECUTOR MAKE OPENING STATEMENT ON GROUP'S IDEOLOGY LEST THIS PREDJUDICE CASE.

4. INDICTMENT INDICATES GROUP BEING TRIED UNDER CIVIL CODE, ALBEIT BEFORE MILITARY COURT. PENALTIES, IN EVENT OF CONVICTION, WILL BE LESS SEVER THAN IF GROUP WERE TRIED UNDER MILITARY CODE. PRESUMED LIBYAN CONNECTION WAS NOT RAISED AT OPENING, NOR WAS IT MENTIONED IN PRESS ACCOUNTS (WITH EXCEPTION AFP REPORT).

5. DEFENSE ATTORNEYS REQUESTED POSTPONEMENT TO ALLOW THEM TIME TO FAMILIARIZE THEMSELVES WITH CASE AND PERMIT PRIVATE CONSULTATIONS WITH DEFENDANTS. THIS GRANTED AND NEXT SESSION SCHEDULED SEPTEMBER 3.

6. GROUP MEMBERS WERE PERMITTED RELATIVE FREEDOM TO LIMITED OFFICIAL USE

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PAGE 03 CAIRO 14063 241556Z

EXPRESS THEMSELVES AT TRIAL. THEY APPEARED TO BE THOROUGHLY UNREPENTANT. SHUKRI MUSTAFA ATTACKED MEMBERS OF COURT, CALLED PROSECUTORS LIARS, THREATENED PRESS, AND REITERATED GROUP'S DETERMINATION RESTORE ISLAM IN EGYPT. HE MAINTAINED THAT HE REMAINS SOCIETY'S "EMIR" AND CLAIMED TO STILL EXPECT INHERIT THE EARTH ONE DAY.

7. COMMENT: CHARGES OF TORTURE WERE APPARENTLY MADE AGAINST POLICE (ALLEGEDLY TAKING PLACE BEFORE PRISONERS TURNED OVER TO MILITARY) WHICH MAY EXPLAIN ALACRITY WITH WHICH MILITARY JUDGE PERMITTED ACCUSATIONS TO BE MADE IN FRONT OF FOREIGN AND LOCAL JOURNALISTS. POLICE OFFICIALS HAVE ALREADY BEEN RAPPED FOR HANDLING THIS CASE (CAIRO 12768). NEW ALLEGATIONS IF PROVEN ACCURATE, WILL FURTHER DIMINISH POLICE IMAGE, WHICH HAS STEADILY DECLINED SINCE ARMY CALLED OUT TO TAKE OVER PUBLIC SECURITY LAST JANUARY, AND ADD TO DEMORALIZATION ALREADY EXISTING AMONG SOME POLICE OFFICIALS.
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Disposition History: n/a
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